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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MICHAEL S. JOHNSON, DONNA
DYMKOWSKI, PATRICIA LONG-
CORREA, ANTONIO SAMUEL,
VINCENT HALL, ANGELETTE
WATERS, Individually, and on behalf of
the Class,

Plaintiffs,

v.

NEXTEL COMMUNICATIONS, INC., a
Delaware Corporation; LEEDS, MORELLI
& BROWN, P.C.; LENARD LEEDS;
STEVEN A. MORELLI; JEFFREY K.
BROWN; JAMES VAGNINI; FREDERIC
DAVID OSTROVE; BRYAN MAZOLLA;
SUSAN FITZGERALD; AND JOHN
AND JANE DOES 1-10, (a fictitious
designation for presently unknown
Defendants),

Defendants.

Civil Action No.:
1 :07cv08473 (GBD)

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ELECTRONICALLY**

**SUPPLEMENTAL MEMORANDUM
IN FURTHER SUPPORT OF CROSS-
MOTION OF DEFENDANTS BRYAN
MAZZOLA AND SUSAN
FITZGERALD TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT
PURSUANT TO FED.R.CIV.P.
12(b)(6)**

Defendants Bryan Mazzola (improperly pled as Bryan Mazolla) and Susan Fitzgerald¹ hereby submit this Supplemental Memorandum in lieu of a more formal brief in further support of their cross-motion to dismiss Plaintiffs' Complaint pursuant to Fed.R.Civ.P. 12(b)(6).

Defendants rely upon the supplemental motion papers filed by co-defendants Leeds, Morelli & Brown P.C., Lenard Leeds, Esq., Steven A. Morelli, Esq. and Jeffrey K. Brown, Esq. to dismiss Plaintiffs' Complaint pursuant to Fed.R.Civ.P. 12(b)(6) and hereby incorporate the co-defendants' arguments as their own.

STERNS & WEINROTH
A Professional Corporation
Attorneys for Defendants
Bryan Mazzola and Susan Fitzgerald

By: /s/ Jason S. Feinstein
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Dated: February 29, 2008

¹ As of the filing of the within cross-motion, Defendants James Vagnini and Frederic David Ostrove have not been served with plaintiffs' First Amended Complaint. If and when these Defendants are properly served, it is anticipated that Sterns & Weinroth, P.C. will act as their counsel.